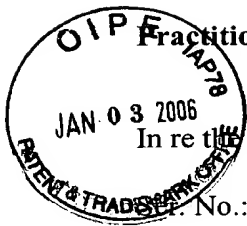


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AP-
JW



Practitioner's Docket No.: 100_007 CIP

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Dwayne Lacey

Serial No.: 09/935,297

Group Art Unit: 3764

Filed: August 22, 2001

Examiner: Danton D. Demille

Confirmation No.: 9672

For: HEAD MASSAGING DEVICE

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 3, 2006 under "EXPRESS MAIL" mailing label number EV 37308 4693 US.

Janet M. Stevens

REQUEST FOR ORAL HEARING

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

On May 31, 2005, the Applicant filed a Request for Oral Hearing together with the requisite fee. Attached is a copy of the Request for Oral Hearing filed on May 31, 2005.

The Applicant is re-submitting the Request for Oral Hearing because a second Examiner's Answer (substantively identical to the Examiner's Answer dated March 31, 2005) dated November 3, 2005 was received from the U.S. PTO.

The Applicant wishes to maintain his Request for Oral Hearing in this matter. Since the requisite fee has already been submitted, it is believed that no additional fee is due. Nevertheless, in the event that any additional fees are due, the commissioner is hereby authorized to charge any such fees, or credit any overpayment to Deposit Account No. 50-1446. Enclosed is a duplicate copy of this sheet.

Respectfully submitted,

Kevin C. Brown
Reg. No. 32,402

January 3, 2006
Date

KCB:jms

BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-7068

Customer No.: 025191
Telephone: (315) 233-8300
Facsimile: (315) 233-8320



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Janet M. Stevens
Janet M. Stevens

REQUEST FOR ORAL HEARING
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicant hereby requests an oral hearing before the Board of Patent Appeals and Interferences in the appeal of the above-identified application.

The fee for this Request for Oral Hearing is (37 CFR 41.20(b)(3)) \$ 1,000.00.

Extension of Term

- ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

COPY

- ☐ This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application. The requested extension and appropriate non-small entity fee are as follows:

- ☐ One Month (37 CFR 1.17(a)(1)) \$ 110.00
☐ Two Months (37 CFR 1.17(a)(2)) \$ 420.00
☐ Three Months (37 CFR 1.17(a)(3)) \$ 950.00

Extension Fee Due \$.00 .

Total Fees Due (Request for Oral Hearing and Extension of Time) \$ 1,000.00.

Status of Applicant

- ☒ Applicant claims small entity status. See 37 CFR 1.27.

Therefore, the fee shown above is reduced by half, and the

resulting fee is: \$ 500.00.

Fee Payment

- ☒ Enclosed is a check in the amount of \$500.00.
☐ Charge Deposit Account No. 50-1446 in the amount of \$.
☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 50-1446. Enclosed is a duplicate copy of this sheet.

Respectfully submitted,



Kevin C. Brown
Reg. No. 32,402

May 31, 2005
Date

KCB:jms

BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-7068

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